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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/451,208

11/29/1999

ALEX KRISTER RAITH

8194-252

8753

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7590

04/14/2003

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EXAMINER

KUMAR, PANKAJ

ART UNIT

PAPER NUMBER

2631

9

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

12.11

**Advisory Action**

Application No.

09/451,208

Applicant(s)

RAITH ET AL.

Examiner

Pankaj Kumar

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 16, 18, 27-29, 41, 44, 47-50 and 61.

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-15, 17, 19-26, 30-40, 42-46, 51-60, 62-65.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10. ☒ Other: See attached

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As per claims 21, 31, 45 and 51, since the claims were amended, the arguments were mute in view of the new grounds of rejection. The elements of these claims are discussed in other claims, including the other amended claims in the final action and other nonamended claims in the first action. The new grounds of rejection is based on the explanations of the rejections of the other amended claims in combination with the explanations of the rejections of other claims which may not have been amended.

As per claim 64, the 35 USC 112 second paragraph rejection is withdrawn. For this claim, since at least one of the four elements from the 'at least one of' list was rejected in prior actions, the entire claim remains rejected based on the reasoning cited in the prior actions (except for the 35 USC 112 second paragraph rejection).

As per the argument of claim 1, the rejection in the last action over Burshtein is relevant. Burshtein shows in fig. 5 the following claim elements:

“receiving ...” Burshtein fig. 5 first encoded signal on left, fig. 8: 350

“decoding ...” Burshtein fig. 5 102...108; fig. 8: 352

“selecting ...” Burshtein fig. 8: 356

“wherein selection based on prior communication” reversing fig. 5 of Burshtein by putting decoder before first encoded signal.

In their respective order, the following appear in Burshtein: encoded signal, 110, encoded signal, 112, decoded signal. In fig. 8, Burshtein shows receiving an encoded signal in 350 and then elements 352, 354 etc. The reversal is occurring since the encoded signal from fig. 5 is going

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into fig.8's 350 while the applicant's invention has been rejected based on a decoder (Burshtein fig. 5: 112) decoding a signal (Burshtein fig. 5 output of 112) which is then encoded and then going into fig. 8. Thus, the encoding and decoding is reversed in Burshtein in view of the application (for only this section of the claim; for another section of the claim, the encoding and decoding in Burshtein are in the proper sequence). Accordingly, it would have been obvious to one skilled in the art at the time of the invention to modify Burshtein to make the reversal since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70. Also, it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

As per claims 37 and 55, the preamble say (in part):

- a) the first field is coded according to a code selected from a set of codes
- b) the second field indicates the code applied to the first field

On the contrary, with respect to these topics in a) and b), the body of these same claims – 37 and 55 say (in part):


- a) code selector circuit generates an estimate of the second field
- b) a code is applied to the first field and this code is selected based solely on the estimate of the second field

Accordingly, the body of the claim does not depend on the preamble for completeness (in fact, the preamble, in one sense, may actually be contradicting the body) and the process steps or structural limitations are able to stand alone; therefore, the preamble is not accorded patentable weight.

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As per claim 12, applicant says that the CRC field is generated by applying a known code to the CRC field based on data in the data field and hence the CRC generated is a redundant form of data. Applicant also says that error detection using a CRC is performed by populating a CRC field based on the generated CRC code and then comparing this same CRC code to data received at the receiving end since the receiver knows the CRC code. Then applicant concludes by saying that Burshtein does not identify the CRC code from the received CRC field at the receiving end.

This conclusion argument of claim 12 is respectfully traversed for two reasons. First, based on applicant's explanation, the CRC is generated at the receiving end in Burshtein and hence Burshtein identifies the CRC code. Second, a CRC code is generated at the transmit end based on the data field. The data field and CRC code is then received at the receiver. The receiver works by determining what the CRC code should be based on the data received and compare the CRC received with what the receiver determined to be the CRC. If the two do not match then there is an error either in the data or the CRC or both. Based on this, the CRC code is identified from the received CRC field.

  
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